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June 6, 2024

Honorable Rukhsanah L. Singh, U.S.M.J
United States District Court
Clarkson S. Fisher Building & US Courthouse
402 East State Street
Trenton, NJ 08608

***Re: Johnson & Johnson Talcum Powder Products, Marketing, Sales
Practices and Products Liability Litigation***
Case No.: 3:16-md-02738-MAS-RLS

Dear Judge Singh:

Pursuant to the Court's request for bi-monthly reports, the parties jointly offer the following update on recent activities in the MDL:

Expert Disclosures and Discovery:

- In accordance with the Court's order, Plaintiffs served supplemental expert disclosures on May 28, 2024 for the following experts: Dr. Anne McTiernan; Dr. Bernard Harlow; Dr. Daniel Clarke-Pearson; Dr. David Kessler; Dr. Judith Wolf; Dr. Laura Plunkett; Dr. Jack Siemiatycki; Dr. Michelle Cote; Dr. Patricia Moorman; Dr. Rebecca Smith-Bindman; Dr. Shawn Levy; and Dr. Sonal Singh.
- Depositions of the Plaintiffs' experts have been completed.
- In accordance with the Court's order, Defendants served expert reports on May 28, 2024. The deposition of Dr. Sutcliffe was completed on May 29,

2024. The depositions of the remaining defense experts are scheduled or are being scheduled during June and the first two weeks of July.

- On April 18, 2024, Defendants requested another deposition of Plaintiffs' expert Dr. Saed on the basis that Plaintiffs' other experts rely on multiple publications by Dr. Saed since his last deposition. Plaintiffs have withdrawn Dr. Saed as a Plaintiffs' expert and object to an additional deposition.
- On May 10, 2024, Defendants served a new set of requests for production concerning a new publication in May 2024 by Plaintiff's expert Dr. Saed regarding talcum powder and ovarian cancer. Plaintiffs will timely serve responses and objections.

Defendants' Request for Production of Documents by Plaintiffs' Expert Dr. Longo and Request for Inspection:

- On April 18, 2024, Defendants served an amended notice of deposition for Dr. William Longo that included both a request for preservation and production of certain core documents and materials relevant to his testing of Johnson's Baby Powder, as well as a request to inspect Dr. Longo's laboratory and methodology for analyzing talc. On May 1, 2024, Plaintiffs objected to the requests across the board. Defendants filed a letter with the Court on May 17, 2024, seeking leave to file a motion compelling the inspection (ECF 32202) and then receiving the Court's permission, filed a motion to compel the inspection on May 21, 2024 (ECF 322227). The matter was referred to Special Master Schneider (ECF 32252). Plaintiffs filed an opposition to the motion on June 3, 2024. Defendants' reply is due on June 11, 2024. A hearing has been scheduled before Special Master Schneider on June 12, 2024.

Plaintiffs' Subpoena to Public Library of Science (PLOS):

- On March 20, 2024, the PSC filed a notice of intent to serve a subpoena on the Public Library of Science (PLOS) for information related to a manuscript submitted by Plaintiffs' expert Dr. Saed to PLOS in 2020 (ECF 29773).

- On April 12, 2024, Counsel for PLOS served an objection to the subpoena claiming privilege and confidentiality and attaching to the objection a Privilege Log on counsel for the Plaintiffs.

Bellwether Discovery Responses:

- On April 1, 2024, Plaintiffs served responses to Defendants' Request for Admissions, Production Requests, and Interrogatories on the six Bellwether Plaintiffs. The parties continue to meet and confer on the adequacy of the responses.

Notice of Subpoena to Paul Hess:

- Defendants filed an Amended Notice of Intent to Serve Subpoena on April 23, 2024 (ECF 32037). The subpoena is for a videotaped deposition of Paul Hess, a non-party and employee of Plaintiffs' expert, Dr. William Longo. On May 7, 2024, the PSC wrote to Defendants objecting to the subpoena directed at Paul Hess. Plaintiffs filed a Motion to Quash or for Protective Order Regarding Subpoena Directed at Paul Hess (ECF 32195) on May 17, 2024. The matter was referred to Special Master Schneider (ECF 32212). Defendants filed an opposition on June 3, 2024 and supplemental authority on June 5, 2024. Plaintiffs' reply is due on June 11, 2024. A hearing has been scheduled before Special Master Schneider on June 12, 2024.

Subpoenas to Beasley Allen Law Firm, Smith Law Firm, Ellington Management Group, and Reuters:

- On May 20 and 21, 2024, Defendants filed Notices of Intent to Serve Subpoena on the Beasley Allen Law Firm (ECF 32201), Ellington Management Group (ECF 32215), the Smith Law Firm (ECF 32226), and Reuters (ECF 32204). On May 30, 2024, the Plaintiffs' Steering Committee filed a Motion to Quash or for Protective Order regarding these subpoenas (ECF 32483). Also on May 30, 2024, the Beasley Allen Law Firm separately filed a Motion to Quash and/or for Protective Order concerning the subpoena directed to the Beasley Allen Law Firm (ECF 32445). Both motions are set

to be heard on July 1, 2024. On June 3, 2024, Allen Smith and the Smith Law Firm filed a motion to quash the subpoenas to them (ECF 32603-1).

Plaintiff Profile Forms:

- On June 3, 2024, Defendants filed an Order to Show Cause in regard to any 2018, 2019, and 2023 matters listed on the May 1, 2024, PPF Report which remain noncompliant (ECF 32601).
- The Defendants request that the Order to Show Cause submitted on May 1, 2024, be entered by the Court. Due to what Plaintiffs contend are prior discrepancies and errors in the list of cases attached to the Order to Show Cause, Plaintiffs request additional time to confirm the accuracy of the list before the order is entered. Defendants object to any further delay – the Plaintiffs have had this list since May 1, and it is a subset of Plaintiffs who were listed on March 1 and again on April 1. Defendants further dispute the Plaintiffs’ characterization of the list as containing discrepancies and errors – to the extent Plaintiffs believe that any case doesn’t belong on the list of long overdue fact sheets, they need to promptly bring that to the attention of the Defendants. This list was published on the MDL Docket on March 1, again on April 1, again on May 1 and for a fourth time on June 3.
- With regard to PPF Reports, the parties agree that if a Plaintiff contends that Defendants have mistakenly placed a Plaintiff’s case on the deficiency list, counsel for the Plaintiff will reach out directly to defense counsel to advise of that error with Defendants to correct the list as needed. The parties agree that Plaintiffs should confirm the accuracy of the MDL Centrality information and close the MDL Centrality account for a particular plaintiff when a case is dismissed. The PPF Report will be updated as corrections are received. The Plaintiffs should be reminded to check the lists each month for their cases and to promptly notify Defendants if they believe a case is listed in error, or if they have thereafter served the discovery.

Status of New Jersey Proceedings Before Judge Porto:

- Depositions of Plaintiffs' case specific experts in the *Carl* and *Balderrama* matters were completed for Drs. Godleski, Wolf, and Cramer.
- Depositions of Defendants' case specific experts in the *Carl* and *Balderrama* matters were completed for Drs. Finan (*Carl & Balderrama*) and Nagarsheth (*Balderrama*). Defendants' other case specific expert for *Carl* and *Balderrama*, Dr. Felix, is scheduled to be deposed on June 22-23, 2024.
- The depositions of general experts appearing in both the MDL and MCL are being coordinated in accordance with the state court's order.
- The parties filed post-trial briefs on the issue of disqualification on May 17, 2024 to Your Honor and Judge Porto; replies were filed on May 24, 2024.
- Trial of the *Carl* case has been moved from September 2024 to January 13, 2025.

Thank you for your consideration of these matters.

Respectfully submitted,

/s/ P. Leigh O'Dell

/s/ Michelle A. Parfitt

P. Leigh O'Dell

Michelle A. Parfitt

cc: Hon. Joel Schneider, U.S.M.J. (ret.) (via email)
Susan Sharko, Esq. (via email)
All Counsel (via ECF)